
ARNOLD & PORTER

David S. Neslin
David_Neslin@aporter.com
303.863.2301
303.832.0428 Fax
Suite 4500
370 Seventeenth Street
Denver, CO 80202-1370

July 28, 2003

VIA FACSIMILE

Buffy K. Martines
O'Quinn, Laminack & Pirtle
440 Louisiana, Suite 2400
Houston, TX 77002

Re: Gatlin v. Wyeth

Dear Buffy:

This letter will confirm the results reached in our telephone conversations of yesterday and today regarding the scheduling of depositions in the Gatlin case.

As we discussed, a paralegal for Wyeth's local counsel, McGlinchey Stafford, will obtain deposition dates for all treating physicians and other doctors who will not serve as expert witnesses for plaintiff in Gatlin. The paralegal will then contact you to determine which date is preferable for plaintiff and the McGlinchey firm will send out the deposition notice. Your office will obtain potential deposition dates for those doctors who will serve as expert witnesses for plaintiff in Gatlin. You will contact Kathleen Manning of the McGlinchey firm with these dates, and she will identify which date is preferable for Wyeth. Again, the McGlinchey firm will send out the deposition notice.

At this time, Dr. Frank Voelker is the only doctor who will serve as an expert witness for plaintiff in Gatlin. Therefore, your office will promptly obtain potential deposition dates for Dr. Voelker, and you will call Ms. Manning with that information. The McGlinchey paralegal will obtain potential deposition dates for all of the other doctors that Wyeth intends to depose in Gatlin. She has already identified August 1, 2003 as a potential date for Dr. Terri Ditta and you will let us know Monday, July 28, 2003, whether that date works for plaintiff.

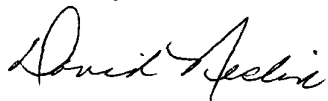
Although during our conversation I did not request your office to obtain potential deposition dates for plaintiff's expert witnesses other than Dr. Voelker, by this letter I am requesting you to do so promptly for all persons who plaintiff designates as potential expert witnesses in Gatlin. It is our understanding that plaintiff will be providing us with this designation on Monday, July 28, 2003, as required by the Court's scheduling order.

Buffy K. Martines
July 28, 2003
Page 2

I trust that this letter accurately reflects the agreement we reached regarding the scheduling of depositions in Gatlin. If I have inadvertently misrepresented that agreement in any respect, please advise me promptly in writing.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "David S. Neslin".

David S. Neslin

Buffy K. Martines
July 28, 2003
Page 3

bcc: Daphne Werth
Kathleen Manning
Jack Trigg